

UNITED STATES OF AMERICA, )  
 )  
 Petitioner, )  
 )  
 v. ) **ORDER**  
 )  
 MARC CHRISTOPHER TURNER, )  
 )  
 Respondent. )

To obtain a commitment order against Turner, the government must establish three facts by clear and convincing evidence: that Turner (1) “has engaged or attempted to engage in sexually violent conduct or child molestation,” *id.* § 4247(a)(5); (2) currently “suffers from a serious mental illness, abnormality, or disorder”; and (3) as a result of the serious mental illness, abnormality, or

disorder, “would have serious difficulty in refraining from sexually violent conduct or child molestation if released,” *id.* § 4247(a)(6). See United States v. Hall, 664 F.3d 456, 461 (4th Cir. 2012); United States v. Comstock, 627 F.3d 513, 515–16 (4th Cir. 2010), *cert. denied*, 131 S. Ct. 3026 (2011).

On February 27, 2012, the court held a bench trial. On March 9, 2012, the court announced its findings and conclusions from the bench. The transcript is incorporated herein by reference. The United States has failed to prove by clear and convincing evidence that, as a result of Turner’s serious mental illness, abnormality, or disorder, he would have serious difficulty in refraining from sexually violent conduct or child molestation if released. Thus, judgment shall be entered in favor of the respondent, Marc Christopher Turner, and against the petitioner, the United States. This action is hereby DISMISSED. The United States is ORDERED to release Turner from the custody of the Bureau of Prisons. Turner shall report to the United States Probation Office in California Eastern within 24 hours of arrival in California or within 96 hours of release from the Bureau of Prisons, whichever is earlier. Specifically, Turner shall report in person to the United States Probation Office located at 9245 Laguna Springs Drive, Room 210, Elk Grove, California, telephone number (916)683-3321.

SO ORDERED. This 9 day of March 2012.

  
JAMES C. DEVER III  
Chief United States District Judge